

### **REMARKS**

Claims 1-53 are pending. Claims 1-18, 20-35, 37-51 and 53 are rejected and claims 19, 36, and 52 are objected to. Applicants have amended claims 1, 21-22, 25-28, 34, 37-38, 41, 49, and 53, and canceled claims 19, 36, and 52. Claims 1-18, 20-35, 37-51, and 53 are pending upon entry of this amendment. The specification is amended to update the reference to the parent application.

### **Claim Objection**

Claim 49 is objected to because it incorrectly depends from claim 28 instead of claim 38. In response, Applicants have amended claim 49 to correct this typographical error by making claim 49 depend from claim 38. In addition, Applicants have amended claims 22, 25-28, 34, 37, 41 and 53 to correct other typographic errors and/or reflect amendments to their respective base claims.

### **Double Patenting Rejection**

Claims 1, 21, and 38 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,738,630. Applicants have amended claims 1, 21, and 38 to incorporate limitations previously recited by dependent claims that were not rejected on double patenting grounds. Therefore, Applicants respectfully submit that the amended claims are patentably distinct from claim 1 of the '630 patent.

### **35 U.S.C. § 101 Rejections**

Claim 38 stands rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Specifically, the Examiner asserts that claim 38 is drawn to a “program” per se as recited in the preamble.

Applicants disagree with this rejection. Nevertheless, to expedite prosecution Applicants have amended claim 38 by incorporating the first element reciting a “computer-useable medium” into the preamble. Applicants submit that amended claim 38 recites computer-readable code embodied in a computer-usable medium and is statutory under § 101 for the reasons stated in the Office Action.

### **35 U.S.C. 102(e) Rejections**

Claims 1-10, 13-18, 20-28, 31-35, 37-45, 48-51 and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tijerino (U.S. Patent Number 6,405,034 B1). The Examiner recognizes that claims 19, 36, and 52 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the § 102 rejection of the independent claims. However, to expedite prosecution Applicants have amended independent claims 1, 21, and 38 to incorporate the features previously recited by canceled claims 19, 36, and 52. Applicants submit that each independent claim now recites subject matter recognized by the Examiner as allowable.

For example, amended claim 1 directly recites the steps previously recited by claim 19, including:

- establishing data representative of domain information describing possible domains for the marker;
- establishing business logic describing relationships among the data representative of the context for the marker and the data representative of domain information;

analyzing the business logic, the data representative of the context for the marker, and the data representative of domain information to determine a domain for the marker...

Claim 21 likewise recites:

a content server for receiving from the mobile device data representative of a marker and receiving data representative of a context for the marker, **for analyzing business logic establishing relationships among the data representative of the context for the marker and domain information describing possible domains for the marker** to determine a domain for the marker...

Claim 38 is similar to claim 21.

Accordingly, Applicants respectfully submit that the amended independent claims are not anticipated by the cited reference.

### **35 U.S.C. § 103 Rejections**

Claims 11-12, 29-30, and 46-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tijerino. Applicants respectfully traverse this rejection and that submit it is mooted by the amendments to the independent claims described above.

### **Conclusion**

Applicants respectfully submit that each independent claim recites a limitation recognized by the Examiner as allowable over the cited reference. Therefore, Applicants respectfully request that the Examiner allow this application. The Examiner is invited to contact the undersigned by telephone in order to expedite the prosecution of the application.

Respectfully submitted,  
BRADLEY C. ASHMORE ET AL.

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By: /Brian Hoffman/  
Brian M. Hoffman, Reg. No. 39,713  
Attorney for Applicant  
Fenwick & West LLP  
801 California Street  
Mountain View, CA 94041  
Tel.: (415) 875-2484  
Fax: (415) 281-1350